



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

29. Greater support, not only financial but moral, is needed by the probation officers and the probation service.

30. Probation officers should play an increasingly important part in the broader movements of the day, looking towards the improvement of living conditions and the prevention of delinquency and other social ills.

31. We should encourage experimentation to see how probation will work when administered by a local commissioner, and consider the wisdom of building up, in addition to the work of the courts, supplementary thereto and working in close harmony therewith, a plan of administrative control by which the problems of probation may receive the study, supervision and constant revision and improvement, that are secured for reformatory institutions by the boards of managers and executive officials thereof.

**Judge Backus on Probation in Milwaukee.**—During the past year over one million men, women and children stood before the bars of justice in this country, charged with an offense committed against the federal state, municipal and juvenile laws. What tremendous drain upon the nation; first, the loss of the citizen; second, the influence upon others in the community; third, the expense incident to the trial and his upkeep in the penitentiary. . . .

If those who are charged with the administration of the law would deal justly, for the purpose of doing constructive work with the offender, I believe crime could be reduced to the minimum. . . .

In 1765 Chancellor Blackstone published his commentaries and he was successful in bringing before the public the utter folly of awful and extreme penalties. His advocacy of more humane treatment met with public favor and approval and an improvement began from that time.

Sir Samuel Romilly, a great lawyer and statesman, did much in modifying the criminal code of England at the commencement of the nineteenth century. At that time the criminal code was inhumanly severe, the punishment of death could legally be inflicted for more than two hundred different offenses; for instance, it was a capital offense to pick a man's pocket, to steal five shillings from a shop, to cut down a tree, to harbor an offense against the excise laws, to steal a sheep, or an ox or a horse, or to commit larceny of almost any kind.

In the reign of Henry VIII, 72,000 thieves were hanged, being at the rate of 2,000 a year. . . .

In March, 1816, a bill was passed in Parliament repealing the death penalty for larceny. George Barnett, a boy of the age of ten years, had just been convicted of larceny and was lying in Newgate prison under sentence of death. It was through the untiring work of Romilly, who had aroused the public conscience, that the criminal code of England was finally revised.

An eye for an eye, a tooth for a tooth, and a limb for a limb, degradation, whipping, branding, hanging, maiming, chambers of torture, men's bodies broken on wheels, suspension by arms and legs with great weights attached, the flesh burned and seared by irons white hot, human bodies roasted at slow fires, and buried alive, thrown to wild beasts, molten lead poured into the ears, faces of men placed toward the flaming sun and their eyes blinded, tied by the sea to be drowned by the rising tide; all these have been tried and the victims gave up their lives by millions, and yet so-called criminals did not become extinct. It is a historical fact that crime increased rather than decreased with the imposition of these terrible penalties. . . .

During the eighteenth century the stocks, pillory and whipping posts were to be seen everywhere in the United States. All these historical details shocked men of humane principles and finally led to the agitation of statutory and prison reform in this country. . . .

While district attorney of Milwaukee County, Wis., dealing with many offenders and criminals of all ages and classes, I was deeply impressed with the inadequacy and the utter failure of our system of punishing first offenders. Many citizens of the state who were interested in this work expressed the same view. In 1909 the legislature of Wisconsin passed an adult probation law, giving to the courts of the state power to place on probation first offenders where the maximum penalty did not exceed ten years in the state penitentiary, and placing such offenders in charge of probation officers for guidance instead of confining them to a cell.

This was a humane and merciful act of the legislature, it was a forward step for Wisconsin. Turn back the pages of history for four thousand years, and nowhere in any land or country do you find a statute or law so far-reaching for the well-being and welfare of the unfortunates.

It should not be understood that probation is a species of leniency, as soome seem to believe, nor a license for first offenders to commit crime. It is a scientific method of treating offenders who are relatively socialized and who are in good environment. It is the showing of the proper way, it is to protect him against himself, to aid him and not to crush him. The adult probation system is still in its infancy. In the nine years I have been on the bench I have placed 1,668 first offenders on probation, who have committed a state prison offense, and in that time but seventy-nine have been returned to the court for violation of the rules of their probation. When the probation law was first enacted, one of the members of the senate committee on judiciary, told me that if one young man out of every ten would be saved, the intent of the law would be fully carried out. Instead of saving ten per cent, we, as I believe, have saved ninety-seven per cent of those who have been placed on probation in the past nine years. Taking one hundred persons sentenced in 1907 before the probation law was in effect, I find that thirty-seven were returned to the court after service of their sentence in the state's prison, reformatory, or house of correction, on second offense, and sent back to the penitentiary. How many more of that hundred were returned in other states or other jurisdictions, I am unable to state, but for argument's sake, let us assume that thirty-seven were all that committed another felony after serving their sentences, we find that thirty-seven per cent were returned to prison under the former system as against 3.2 per cent under the probation system. And further, we have taken away under the probation system, the stigma of a felon and convict, which always follows a young man, and have made a good and valuable citizen of him. . . .

The first person discharged after being on probation for two years and six months, received a bank account of \$1,015.00. This man was convicted of embezzlement; he now holds a trust position and receives \$1,500.00 per year. The second person discharged after two years' probation was given a bank account of \$418.00. He was convicted of burglary. Another person discharged after one year and six months probation received a bank account of \$205.00. He was convicted of larceny.

The great majority of the first year probationers have bank accounts of from \$100.00 and over. These young men are full of industry, and all they need is a little direction. Go back to the former system, picture these young men coming from the penitentiary, depressed and disheartened, facing a new world, branded as convicts and criminals; watch them and you will see many travel the circle which leads back to the penitentiary on second offense, and then practically all hope is gone and society has suffered a great loss, first in the loss of its citizen, and second the injury to others because of the crime he committed.

In our probation cases no probationer is turned back upon the community without first giving him employment; the probation officer assumes control of the young man's earnings; a heart to heart talk is had with him, his environment is looked into, he is sent to evening school and the library, his earnings are strictly accounted for, his habits of daily life are carefully noted, and of the 1,668 probationers now working in this city of Milwaukee, every employer will be ready to give any one of them a recommendation, such as he never received before. . . .

During the past few years we have taken charge of the father who abandoned his family, with a view of reconstructing him and returning him to his home. I know of no class of cases which has given the department so much trouble as the abandonment cases. In many instances they have exhausted the patience of the probation officer. I am unable to describe the condition of most of these men as to appearance and state of mind when they are brought before the court. Dissipated, physical and mental wrecks, a class that would ordinarily be consigned to the human scrap-heap. I have no sympathy or mercy for the man who abandons his wife or children. To see innocent little children in a half-starved condition, suffering because of want and lack of care, is enough to induce the average judge to impose the maximum prison sentence.

Patience is a virtue; the judge should be tolerant. If the father can be returned home; if he can be made to understand that the fireside with his wife and children is the brightest and best place in the world; if he with the guidance of the probation officer will rebuild himself and the home, then we have not only reconstructed but we have added a unit which makes for the building of the community and state.

We have now over nine hundred men who have abandoned their families. At the present moment only seven are out of employment; the rest are working, and at home. The probation officer controls both his employment and earnings. In the past year the lowest wage was \$76.00 per month, and the highest \$300.00; a total earning capacity of \$960,000 per month, or \$1,800,000.00 per year.

I have often been asked the question, "Is it worth while"?—Yes it is. The result speaks for itself.—Hon. A. C. Backus, of Milwaukee, in the *Marquette Law Review*.

#### PENOLOGY

**Recommendations on Disciplinary Regulations, Adopted by Washington Conference, Approved by Mr. Baker.**—Following is a statement from Secretary of War Baker together with recommendations relating to military